

Calendar date of 5/25/10

**THE NOTES BELOW REPRESENT NOTES AFTER
THE SECOND CHECK HAS BEEN COMPLETED.
NO LATE FILED DOCUMENTS WILL BE
REVIEWED PRIOR TO THE HEARING.**

**The Probate Examiners can be reached at
ProbateNotes@sb-court.org.**

Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES. No legal or procedural advice may be given.

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE COMMISSIONER MICHAEL J GASSNER

DATE: 05/25/10 TIME: 9:30 DEPT: R15P

CASE #: GAR RS1000041 FILING DATE; 04/23/10

CASE NAME: DANIEL AND ENRIQUE FELIX AND BRANDON SALAS

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

MYRA JEAN AGUILAR	(PET)...PRO/PER
DANIEL A FELIX	(MIN)...
ENRIQUE A FELIX	(MIN)...
BRANDON SALAS	(MIN)...

GENERAL INFORMATION

Temporary Letters issued 4/28/10.

THIS CASE IS SET FOR HEARING ON Petition for Guardianship, person only, by maternal great-grandmother, minors 16, 13, and 9months

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner alleges CPS involvement.
2. Need notice of hearing and proof of personal service on minors 12 or older, mother and fathers #1(for minor Daniel Felix), #2(Ray Felix) and #3(Arthur Borrego) each or file due diligence declaration(s).
3. Need notice of hearing and proof of mail service on maternal grandfather and all sets of paternal grandparents or file due diligence declaration(s)
4. Court to review the Guardianship Questionnaire.

RECOMMENDATION:

Need notice.

(kra)

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE COMMISSIONER MICHAEL J GASSNER

DATE: 05/25/10 TIME: 9:30 DEPT: R15P

CASE #: GAR RS900141 FILING DATE; 12/03/09

CASE NAME: TERESA ESPERANZA SALAS

HEARING:

Petition for APPOINTMENT OF GUARDIAN OF THE MINOR (PERSON ONLY)

COUNSEL:

GUILLERMO URIAS (PET)...PRO/PER
MATILDE URIAS (PET)...PRO/PER
TERESA ESPERANZA SALAS (MIN)...

GENERAL INFORMATION

Temporary guardianship was granted on 12/8/09.

Continued from **1/5/10** at request of Father to seek legal advice.

Continued from **3/9/10** at request of petitioner due to health issues.

Continued from 3/9/10 at request of petitioner due to medical emergency.

THIS CASE IS SET FOR HEARING ON Petition for guardianship, person only, by maternal grandparents, minor, 8 months.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. DCS is involved in this matter. Court is directed to Report dated 11/17/09 (green tabbed in file).
2. Waiver and consent signed by Father, Mother and paternal grandparents.
3. Need notice of hearing and proof of mail service on siblings 12 or older, or file due diligence declaration.

RECOMMENDATION:

Need notice.

(fhl/kra)

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE COMMISSIONER MICHAEL J GASSNER

DATE: 05/25/10 TIME: 9:30 DEPT: R15P

CASE #: RG RS01341 FILING DATE: 08/07/03

CASE NAME: CHARLES STEPHEN REVELS

HEARING:

Hearing Re: FINAL ACCOUNTING FROM 10/30/03 TO CURRENT

COUNSEL:

PATRICIA F MACIAS (PET)...PRO/PER
CHARLES STEPHEN REVELS (MIN)...

GENERAL INFORMATION:

Mother appointed guardian of the estate on 10/14/03, \$42,000 bond.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. I&A filed. However, need attachments 1&2 listing assets on hand and account statements if applicable per Local Rule 20-908.
2. Guardian has submitted a letter (unverified) along with a petition for final discharge indicating that all funds were placed in blocked accounts, the bond was canceled, and all assets have since been turned over to the minor.
3. Minor reached majority in 2007. Thus, a final account and petition for termination or waiver of final account by minor is required. The Court does not favor a waiver by the ward of the guardian's final account where the ward has reached majority and normally will not approve a report when the account is waived unless the ward is present in Court at the time of hearing (Local Rule 20-1311(b)). Alternatively, court may require a final accounting in accord with Pr.C. §§1060 et seq and 2620.

RECOMMENDATION:

If Minor appears and Court waives a final accounting, Court may wish to approve discharge of the guardian as it has been more than one year after the ward has attained majority per Pr.C. §2627.

(kra)

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE COMMISSIONER M J TORCHIA

DATE: 05/25/10 TIME: 9:30 DEPT: R16P

CASE #: GAR RS1000006 FILING DATE; 01/19/10

CASE NAME: HUNTER J DALHIN

HEARING:

Petition for APPOINTMENT OF GUARDIANSHIP OF MINOR *

COUNSEL:

KENNETH DAHLIN	(PET)...MARIE MORENO MYERS
PAULA DAHLIN	(PET)...MARIE MORENO MYERS
HUNTER J DAHLIN	(MIN)...

GENERAL INFORMATION:

Temporary Letters issued 1/25/10.

THIS CASE IS SET FOR HEARING ON: Petition for Guardianship, person only, by paternal grandfather and spouse (paternal step-grandmother), minor 10

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. **Father personally served 3/11/10.**
2. **Proof of publication of summons filed as to mother, Lynnette Merideth.**
3. UCCJEA indicates custody and visitation orders entered 12/5/05 in related family law matter (BFL00753). Petitioners state that sole physical custody granted to Father with visitation to Mother (see Guardianship Questionnaire for further information relating to custody / visitation). **Supp: Request for Judicial notice filed 2/9/10. Judgment of Dissolution entered 2/5/05 attached. Provision re custody / visitation tabbed.**

RECOMMENDATION:

Court's discretion.

(fhl/kra)

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE COMMISSIONER M J TORCHIA

DATE: 05/25/10 TIME: 9:30 DEPT: R16P

CASE #: GAR RS1000013 FILING DATE; 02/10/10

CASE NAME: JOHN ANDREW PADILLA JR AND ABEL DANIEL PADILLA

HEARING:

Hearing re: Petition for Appointment of Guardian

COUNSEL:

ARLENE MENA (PET)...PRO/PER
JOHN ANDREW PADILLA JR (MIN)...
ABEL DANIEL PADILLA (MIN)...

GENERAL INFORMATION:

Temporary guardianship granted 2/16/10. Matter referred to Court Investigator.

Continued from **3/16/10** for consent forms to be provided to Court.

Continued from 4/20/10 for petitioner to clear notes.

THIS CASE IS SET FOR HEARING ON: Petition for Guardianship, person only, by maternal grandmother, minors 16, 14.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Petitioner alleges that both Father and Mother are in agreement with guardianship. However, no consents filed.
2. Need notice of hearing and proof of personal service on Minors, Father and Mother or file due diligence declaration.
3. Need notice of hearing and proof of mail service on paternal grandmother, maternal grandfather, and siblings age 12 or older or file due diligence declaration.
4. UCCJEA is incomplete as to the minors' residence for last 5 years. Need corrected UCCJEA.
5. Court to review Guardianship Questionnaire.
6. Need Court Investigator report as requested by the court on 2/16/10.

RECOMMENDATION:

Need notice. Need Court Investigator report.

(fhl/kra)

Rancho Cucamonga District
GUARDIANSHIP CALENDAR

HONORABLE COMMISSIONER M J TORCHIA

DATE: 05/25/10 TIME: 9:30 DEPT: R16P

CASE #: GAR RS800196 FILING DATE; 12/29/08

CASE NAME: JESUS ROJAS

HEARING:

Hearing re: Petition for Termination of Guardianship

COUNSEL:

MARIA LUISA CALOCA	(PET)...PRO/PER
DIEGO CALOCA	(PET)...PRO/PER
JESUS ROJAS	(MIN)...
MARIO ROJAS	(FAT)...PRO/PER

GENERAL INFORMATION:

Guardianship granted 1/27/09 to 2nd cousin.

Continued from 3/23/10 as matter is referred to Court Investigator.

THIS CASE IS SET FOR HEARING ON: Petition for Termination of Guardianship by
Father, minor now 9

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Petitioner is Father of minor and states that he was never notified of the petition for guardianship; that he is capable of taking care of minor and guardianship is not necessary. (Review of file indicates that Father signed consent to guardianship filed 12/29/08).
2. Need notice of hearing and proof of mail service on paternal grandmother and sibling age 12 or older or file due diligence declaration.
3. Proof of service filed as to maternal grandmother as Carmen Crespo. However, the initial petition for appointment of guardian, lists maternal grandmother as Maria Del Carmen. Question if they are one in the same.
JTD
4. **Objection to termination filed by guardian.**
5. **Need Court Investigator report as ordered by the court on 3/23/10.**

RECOMMENDATION:

Need notice and Court Investigator report.

(fhl/kra)

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE COMMISSIONER M J TORCHIA

DATE: 05/25/10 TIME: 9:30 DEPT: R16P

CASE #: RG RS01966 FILING DATE; 11/16/06

CASE NAME: BRYCE RICHARDS AND KENDALL RICHARDS

HEARING:
Hearing Re: Accounting Review

COUNSEL:
KEITH RICHARDS (PET)...TYRE KAMINS KATZ GRANOF & MENE
BRYCE RICHARDS (MIN)...
KENDALL RICHARDS (MIN)...
RITA D MICHAEL (PET)...C.L. FARRELL
TYRE, KAMINS KATZ AND GRANOF (PET)...SILVER & FREEDMAN

GENERAL INFORMATION:
Guardianship of estate granted 4/24/07, \$800,000 bond.
Continued from 1/19/10 and 3/23/10 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON: Accounting Review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.
1. Matter set for Accounting Review at 6/2/09 hearing settling first account.
2. Need accounting to cover period 9/1/08 – 12/31/09.

RECOMMENDATION:
When an accounting is not filed as required, the court shall take action as specified in
Pr.C. § 2620.2.
Clerk to notice bonding company.
(fhl/kra)

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE COMMISSIONER M J TORCHIA

DATE: 05/25/10 TIME: 9:30 DEPT: R16P

CASE #: RG RS01974 FILING DATE; 12/04/06

CASE NAME: KAREENA JUANITE HERNANDEZ

HEARING:

Petition for VISITATION TO PRIOR GUARDIAN PURSUANT TO PROBATE
SECT CODE 1602

COUNSEL:

ELISEO R HERNANDEZ (PET)...PRO/PER
KAREENA JUANITE HERNANDEZ (MIN)...
ELISEO R HERNANDEZ (PET)...PRO/PER
JAIDA ORELLANA (MOT)...PRO/PER

GENERAL INFORMATION:

Continued from 1/19/10 as Mother has not been served with notice.

Continued from 4/20/10 for petitioner to clear notes. Nothing new filed.

THIS CASE IS SET FOR HEARING ON: Petition for visitation by prior guardian, minor now 4.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED.

1. Petitioner is paternal grandfather and was guardian of minor from 3/13/07 – 9/30/08 when guardianship was terminated and minor was returned to her mother.
2. Petitioner requests visitation on the 1st, 3rd, and 4th weekends of each month from Friday at 7:00 p.m. until Sunday at 7:00 p.m.; and Birthdays and holidays shared equally.
3. Petitioner states that his son (Father of minor) does not have an existing visitation order. Petitioner states he will supervise visitation with the Father during times he has minor if petition is granted.
4. Petitioner brings petition under Pr. C. §1602 which reads as follows:
 (b) Upon making a determination that a guardianship should be terminated pursuant to Section 1601, the court may consider whether continued visitation between the ward and the guardian is in the ward's best interest. As part of the order

of termination, the court shall have jurisdiction to issue an order providing for ongoing visitation between a former guardian and his or her former minor ward after the termination of the guardianship. The order granting or denying visitation may not be modified unless the court determines, based upon evidence presented, that there has been a significant change of circumstances since the court issued the order and that modification of the order is in the best interest of the child.

(c) A copy of the visitation order shall be filed in any court proceeding relating to custody of the minor. If a prior order has not been filed, and a proceeding is not pending relating to the custody of the minor in the court of any county, the visitation order may be used as the sole basis for opening a file in the court of the county in which the custodial parent resides. While a parent of the child has custody of the child, proceedings for modification of the visitation order shall be determined in a proceeding under the Family Code.

Petitioner states that at the time of termination of guardianship, he requested visitation. As Court made no order for visitation at time of hearing on termination and because the order terminating the guardianship was entered more than 1 year ago (9/30/08), Court must first make a determination that there has been a significant change of circumstances since the court issued the order and that modification of the order is in the best interest of the child per Pr. C. §1602(b).

If Court does not make determination per Pr.C. §1602(b), petitioner must bring a proceedings for visitation in the Family Court of the county in which the custodial parent resides per Pr.C. §1602(c). As of date of filing petition for termination, mother resided in Los Angeles County.

5. Need notice of hearing and proof of service on mother.

RECOMMENDATION:

Need notice; then Court's discretion.

(fhl/kra)

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 05/25/10 TIME: 9:30 DEPT: R17P

CASE #: GAR RS1000039 FILING DATE; 04/13/10

CASE NAME: KAIRA ROSE CIMBALO-WALLACE

HEARING:
Hearing re: Petition for Appointment of Guardian

COUNSEL:
CATHY CIMBALO (PET)...HASLAM & PERRI
KAIRA ROSE CIMBALO-WALLACE (MIN)...

GENERAL INFORMATION:
Ex-parte orders denied 4/19/10. Mother to file written objections. Matter is referred to FCS.

THIS CASE IS SET FOR HEARING ON Petition for Guardianship, person only, by
maternal grandmother, minor 2

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. UCCJEA indicates a related case FAMRS 802133.
2. Notice is complete.
3. Need FCS report.
4. No objections filed at the time of review of this file.

RECOMMENDATION:
Court's discretion.
(kra)

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 05/25/10 TIME: 9:30 DEPT: R17P

CASE #: RG RS00769 FILING DATE; 08/31/99

CASE NAME: ROSALIND MARIE POOLE

HEARING:

Petition for WAIVER OF FOURTH AND CURRENT ACCOUNTING AND ATTNYS FEES

COUNSEL:

RUBEN F LOPEZ	(PET)...ROBERT E SUTTLE
YOLANDA LOPEZ	(PET)...ROBERT E SUTTLE
ROSALIND POOLE	(MIN)...SISSIE L BARKER
LISA POOLE	(OBJ)...MARVIN ZINMAN

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Waiver of 4th account current and petition for fees, minor now 15

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Non-relatives, Yolanda and Ruben Lopez, were appointed guardians of the person 4/6/00 and of the estate on 9/17/02.
2. Petitioners allege that all assets are held in blocked accounts and that there have been no disbursements during this accounting period. Thus, petitioners request the court waive the requirement of an accounting. A review of file and bank statements reveals that interest income has been received, there are no disbursements, and it appears that all funds have been accounted for. JTD
3. Attorney requests fees of \$760 billed at \$200/hour for 3.8 hours. JTD
4. Attorney requests reimbursement of costs of \$355.00 for filing fee.
5. Proposed order returned on 4/29/10 for correction.

RECOMMENDATION:

If approved, court to set hearing re (final) accounting review for **7/24/12**.

(kra)

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 05/25/10 TIME: 9:30 DEPT: R17P

CASE #: RG RS01848 FILING DATE; 04/20/06

CASE NAME: IBANES: XAVIER, JASMIN, ADRIAN, SANDY

HEARING:

Hearing re: Petition for Termination of Guardianship

COUNSEL:

MARIA IBANEZ	(PET)...PRO/PER
XAVIER IBANEZ	(MIN)...
JASMINE IBANEZ	(MIN)...
ADRIAN IBANEZ	(MIN)...
SANDY IBANEZ	(MIN)...
DIANA IBANEZ	(PET)...PRO/PER
FRANDISCO IBANEZ	(PET)...PRO/PER

GENERAL INFORMATION:

Aunt appointed guardian 6/27/06. Mother granted visitation 6/24/08.

THIS CASE IS SET FOR HEARING ON Petition for Termination of Guardianship by parents, minors now 12, 10, 9 and 5

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioners allege they are now able to care for minors.
2. Need notice of hearing and proof of mail service on guardian, minor (Xavier) maternal grandparents and paternal grandparents or file due diligence declaration(s).

RECOMMENDATION:

Need notice.

(kra)

CIVCAL4 Rancho Cucamonga District
 Rancho District
 GUARDIANSHIP CALENDAR

HONORABLE Judge TERESA S BENNETT

DATE: 05/25/10 TIME: 9:30 DEPT: R17P

CASE #: RG RS01987 FILING DATE; 01/04/07

CASE NAME: BRANDON JORDAN MOLINA

HEARING:
Hearing Re: PETITION FOR VISITATION

COUNSEL:

TONY MOLINA (PET)...SOHEILA AZIZI & ASSOCIATES P C
DOLORES MOLINA (PET)...KELLY R MACLYMAN
BRANDON JORDAN MOLINA (MIN)...
MARY WILSON (PET)...PRO/PER
STEVEN WILSON (PET)...PRO/PER

GENERAL INFORMATION

Paternal grandfather and spouse were appointed guardians 2/9/07.

THIS CASE IS SET FOR HEARING ON Petition for visitation, by mother and step-father,
minor now 13

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioners allege the guardians refuse to cooperate re visitation.
2. Need notice of hearing and proof of mail service on minor.

RECOMMENDATION;

Need notice.

(kra/fhl)